

A. STATE-AT-A-GLANCE

1)	Program Operation	State operated
2)	Number of Local Offices (excluding Agencies under Cooperative Agreements)	54 local offices (10 regional offices and satellite office in 44 counties)
3)	Type of Agencies with Cooperative Agreements	WV Supreme Court of Appeals (Family Law Master System); Blood Testing Contract with Gene Proof; payment processing contract with One Valley Bank.
4)	Uniform Interstate Family Support Act	No. URESA is still applicable.
5)	Agreements With Tribal Entities	No.
6)	Age of Majority for Termination of Support	18. A court may order support up to the age of 20 so long as the child remains enrolled in secondary school and is making substantial progress toward a diploma.
7)	Statutes of Limitation:	
	• Collection of Past Due Support	10 years from and after date of judgment. Undischarged and accrued support becomes decretal judgment by operation of law on date due and not paid.
	• Paternity Establishment	Child's 18th birthday. Child may bring an action in his/her own right after the child's 18th birthday, but prior to the child's 21st birthday.
	Dormancy Revival/Renewal Possible [yes/no]	No.
8)	Guidelines	Melson formula. However Income Shares was recently adopted by the State Legislature and will be effective on July 1, 1997.
9)	Interest Rates on	
	• Missed Payments	10% simple interest
	• Retroactive Support	10% simple interest
	• Adjudicated Arrearage	10% simple interest
10)	Arrearage Collections for Non- minor Child(ren)	Yes, through all collection methods except IRS tax offset.
11)	Distribution Scheme	
	• AFDC Arrears	First to current support, then to AFDC arrears then to non-AFDC

	arrears, then to non-AFDC interest.
• Non-AFDC Arrears	First to current support, then to non-AFDC arrears, then to non-AFDC interest, then to AFDC arrears.
12) Procedures Regarding Medical Support Using Income Withholding	Yes.
13) New Hire Reporting	Yes.
14) Recovery of Costs Elected Under State Plan	No.
15) Recovery of Costs for Initiating State	Yes.
16) Long-Arm Statute/s Citation/s	Yes. West Virginia Code §48A-6-1 and West Virginia Rules of Civil Procedure 4 and 5.
17) Automated Locate Resources	Department of Motor Vehicles, Employment Security, New Hire, Worker's Compensation, IV-A
18) Enforcement Options	
• State Income Tax Refund Intercept	Yes.
• License Revocation/ Suspension	No.
• Administrative Liens	Yes.
• Property Seizure & Sale	Yes.
• State Funds/Benefits (please specify)	Yes. Unemployment benefits, Lottery benefits and Workers Compensation benefits.
• Other (please specify)	
19) Spousal Maintenance Orders <i>(specify yes or no)</i>	
• Establish	No.
• Enforce	Yes, so long as a child is part of the obligation.
• Modify	No.
20) Current Spouse/Partner Information Required	No.

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	
2) Effective Date	
3) Adopted Verbatim? If no, list differences.	
4) Repeal URESA?	
5) Repeal IWW?	

C. INCOME WITHHOLDING

1) Income Withholding Terminology	Income Withholding.
2) Income Withholding Procedures	
• State Withholding Limits	The amount to be withheld from disposable earnings is up to 50% if the non-custodial parent is supporting another family and up to 65% if there is no additional family.
• Fee Charged by Employers	\$1.00 for each withholding.
• Date to Remit	Date the employee is paid.
• Penalty	An employer is liable to an obligee, including the state of West Virginia for any amount with the source of income failed to properly withhold.
3) Definition of Employer	"[A]ny individual, sole proprietorship, partnership, association, public or private corporation, the United States or any federal agency, this state or any political subdivision of this state, any other state or a political subdivision of another state and any other legal entity which hires and pays an individual for his services."
4) Included Income	Commissions, earnings, salaries, wages and other income due or to be due in the future to an obligor from his employer and successor employers, any payment due or to be due in the future to an obligor from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, employment compensation, supplemental employment benefits, workers compensation benefits, state lottery winnings and prizes and overtime pay, any amount of money which is owing to the obligor as a debt from an individual, partnership, association, public or private corporation, the United States or any federal agency, this state or any political subdivision of this state, any other state or a political subdivision of another state or any other legal entity which is indebted to the obligor.

5)	Excluded Income	Exempt funds such as AFDC, SSI and VA disability funds.
6)	Direct Income Withholding for Unemployment Compensation, include address	No.
7)	Direct Income for Workers' Compensation, include address	No.
8)	Direct Income Withholding, other income sources subject to, include address	No.
9)	Direct Income Withholding, list Other Income Sources NOT subject to	None.
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes.
12)	Arrearages through Income Withholding	Yes.
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes.
14)	Exception to Immediate Withholding	Yes.
15)	Multiple Obligations Withholding Priorities	
	• Policy	Yes.
	• Priority	Child support is statutory
	• Assistance	
	• Allocation	

D. PATERNITY

1)	Interstate Paternity Procedures	URESA procedure or through long-arm if appropriate.
	Consent Orders Obtained	No.
2)	Uniform Parentage Act	No.
3)	Uniform Act on Blood Testing	No.
4)	Parentage Order Available	Yes.

	Without Order for Support	
5)	Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No.
6)	Genetic Test Results as Presumption of Paternity	Yes.
	Threshold	98%
7)	Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Rebuttable
8)	Marriage as Presumption of Paternity	Yes.
9)	Putative Father's Name on Birth Certificate, Effect of	Creates a presumption of paternity.
10)	Other Statutory Presumptions	No.
11)	Recognition of Common Law Marriage	No.
12)	Personal Appearance of Witness or Custodial Parent Required	No.
	Acceptable Methods of Testimony	
13)	Long-Arm Statute	West Virginia Code §48A-6-1
14)	Assistance to Other States Using Their Long-Arm Statutes	
	• Service of Process	Yes. Initiating State would be responsible for Sheriff's fees
	• Genetic Testing	No.
15)	Recovery of Genetic Testing Costs for Other States	Yes, when requested.

E. SUPPORT ORDER ESTABLISHMENT

1)	Interstate Procedures	URESA.
2)	Income Considered for Setting Support	Presently the net income is used, however with the move to Income Shares this will change to an adjusted gross income which includes gross income less the payment of previously ordered child support, spousal support or separate maintenance. A further deduction from gross income for additional dependents

	may be allowed by the court if the support obligor has legal dependents other than those for whom support is being determined.
3) Criteria for Rebuttal	The guidelines in West Virginia apply to all child support orders as a rebuttable presumption. If the court finds that the guidelines are inappropriate in a specific case, the court may either disregard the guidelines or adjust the guidelines based award to accommodate the needs of the child or children or the circumstances of the parent or parents.
4) Support Order for Prior Periods	Yes.

F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

I. ENFORCING YOUR OWN ORDER

1) Enforcement for Non-Resident Family	URESAs request for enforcement. Non-Resident application for services as long as obligor resides, has wages/ income or has assets in WV.
2) Administrative Procedures and Remedies Available	Income Withholding Judgments are allowable by operation of law. These may then be converted into liens, suggestions on accounts and further garnishments.
3) Judicial Procedures and Remedies Available with Registration	Yes.

II. ENFORCING OTHER STATES’ ORDERS

4) Administrative Procedures and Remedies Available Without Registration	Income Withholding State Tax Offset These remedies will be implemented as if it were our own order
5) Judicial/Administrative Remedies with Registration	Same as those available for resident orders.
6) UIFSA/URESAs Registration and Enforcement Procedure	Orders may be registered for enforcement purposes under the URESAs statute.

7) Judicial Procedures Required after Registration	None.
8) Uniform Enforcement of Foreign Judgments Act Citation	Yes.

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1) Jurisdiction Requirements	Under Full Faith & Credit, will attempt as long as 1 of the parties or the child continue to reside in WV.
2) Modification Procedures	Every three years, or at least once a year upon the request of either of the parties, the CSED shall conduct an investigation to ascertain if the child support amount should be modified. The CSED shall give both parties at least thirty days notice before commencing any review and shall give both parties notice of the results of the review. If the result of the review is to seek a modification a petition is filed and each party is to be given thirty days notice of the hearing.
3) Criteria for Modification	The provisions of a child support order may be modified if there is a substantial and continuing change of circumstances.
4) Criteria for Change of Circumstances	If application of the guideline would result in a new order that is more than fifteen percent different, then the circumstances are considered to be a substantial and continuing change.
5) Frequency With Which Reviews are Conducted	At least every three years, but no more than once a year.
6) Criteria for Review	Order is thirty six months old, 15% deviation in the child support, case lacks medical insurance, AFDC, medical assistance only, or IV-E foster care case without request, orders without sum certain child support.
7) Criteria for Adjustment	Same.

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	No clear authority. URESA still in effect. Will consider the priority scheme in Section 207 of the UIFSA statute in determining controlling order.
2) Date of Controlling Order	N/A

3) If No Controlling Order	Most recent.
4) Arrears Procedure	WV will recognize the arrearage reconciliation of the Initiating State

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	Interstate Transmittal Complete URESA Petition, Paternity Affidavit, Certified Copies of Birth Certificates Initiating State URESA/UIFSA Statute	1 3 3 3	C A D-Vital Statistics
Enforcement of Responding State's Order	If an employer/source of income exists, order can be enforced administratively via I/W; Interstate Transmittal Certified copies of all orders * Affidavit of arrears ** Month by month arrearage calculation ** If no employer/source of income exists; Interstate Transmittal Complete URESA petition Certified copies of all orders * Affidavit of arrears ** Month by month arrearage	1 1 1 1 1 3 3	D A D D

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
	<p>calculation **</p> <p>* WV will assist in obtaining certified copies of WV orders</p> <p>** WV may already have this information on file for some cases, but, may require this information from the caretaker</p>	<p>3</p> <p>3</p>	<p>A</p>
Modification of Responding States' Orders	<p>Interstate Transmittal</p> <p>Complete URESA Petition</p> <p>Petitioner's Financial Statement</p> <p>Copies of 3 Recent Pay Stubs</p> <p>Any additional documentation, ie; changes in circumstances, needs, etc.</p>	<p>1</p> <p>3</p> <p>3</p> <p>3</p>	<p>A</p> <p>D</p> <p>A</p>
Administrative Enforcement of Another States' Order	<p>Interstate Transmittal Requesting Income Withholding/State Tax</p> <p>Offset</p> <p>Certified Copies of All Orders</p> <p>Affidavit of Arrears</p> <p>Month by Month Arrearage</p> <p>Calculation</p> <p>Initiating State I/W Statute</p>	<p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>	<p>D</p> <p>A</p>
Registration for Enforcement of Another States' Order	<p>Interstate Transmittal Requesting Registration for Enforcement</p>	<p>1</p>	

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
	<p>Complete URESA Petition</p> <p>Certified Copies of all orders</p> <p>URESА/UIFSA Statute of State issuing the order(s)</p> <p>Statement of Fact</p>	<p>3</p> <p>3</p> <p>3</p> <p>3</p>	<p>D</p> <p>D</p> <p></p> <p>A</p>
Collection of Arrearages in Multiple Orders	<p>If employer/source of income exist, see Administrative Enforcement of Another States' Order</p> <p>If no employer/source of income exist, see Registration for Enforcement of Another States' Order</p>		
Uniform Enforcement of Foreign Judgments Act	<p>If an employer/source of income known, can be enforced administratively (See administrative enforcement of another state's order)</p> <p>If no employer/source of income known, must be enforced via URESA (See registration for enforcement of another state's order)</p>		

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
Modification of Another State's Order	<p>Interstate Transmittal requesting Registration for Modification</p> <p>Complete URESA Petition</p> <p>Certified Copies of all orders</p> <p>URESА/UIFSА Statute of State issuing the order(s)</p> <p>Statement of Fact</p>	<p>1</p> <p>3</p> <p>3</p> <p>3</p>	<p></p> <p>D</p> <p>D</p> <p>A</p>
Status Update on an Existing Interstate Case	<p>General status requests should be sent to our local office assigned the case.</p> <p>Complaints for non-compliance or loss of contact should be sent through Central Registry</p>		
Assistance/Discovery			
Quick Locate	<p>FSA-206 sent to the State Parent Unit.</p> <p>May be ready to accept via CSENET July, 1996.</p> <p>WV will accept requests without obligor SSN.</p>		

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	<p>Angie Farha, Staff Development Specialist, Building 6, Room 817</p> <p>State Capitol Complex</p> <p>Charleston, WV 25305</p> <p>(304) 558-3780</p> <p>(304) 558-4092</p>
Central Registry	<p>Jim Dingeldine, Central Registry Supervisor,</p> <p>504 Virginia Street</p> <p>Charleston, Wv 25302</p> <p>(304)558-3582 ext. 118</p> <p>(304) 558-1121</p>
Interstate Policy Contact (if different)	<p>Shirley Walters, Sr. Policy Specialist, Building 6, Room 817</p> <p>State Capitol Complex</p> <p>Charleston, WV 25305</p> <p>(304) 558-3780</p> <p>(304) 558-4092</p>
Contact for Information Regarding Your States Long Arm Statute and Process	<p>Jeff Johnson, In-House Counsel</p> <p>Building 6, Room 817</p> <p>State Capitol Complex</p> <p>Charleston, WV 25305</p> <p>(304) 558-3780</p> <p>(304) 558-4092</p>
Contact for Information Regarding Collection and Distribution (State level)	<p>Hal Pendell, Internal Control</p> <p>Building 6, Room 817</p> <p>State Capitol Complex</p> <p>Charleston, WV 25305</p>

	(304) 558-3780 (304) 558-4092
Contact to Obtain Payment Records	Same
Contact to Obtain Copy of Order	Jim Dingeldine Central Registry Supervisor, 504 Virginia Street Charleston, Wv 25302 (304)558-3582 ext. 118 (304) 558-1121
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	Same
Service of Process (private process server? If so , list)	N/A
Genetic Testing (e.g. assistance with interstate teleconferencing)	Managed by local office.
New Hire Reporting Contact	Jim Dingeldine Central Registry Supervisor, 504 Virginia Street Charleston, Wv 25302 (304)558-3582 ext. 118 (304) 558-1121
Employer Assistance Contact	Same
Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	N/A
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	N/A
Privatization Contact	Jeff Johnson, In-House Counsel

	<p>Building 6, Room 817</p> <p>State Capitol Complex</p> <p>Charleston, WV 25305</p> <p>(304) 558-3780</p> <p>(304) 558-4092</p>
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